

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

DARELL C. SMITH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:22-cv-00998-AGF
	)	
STATE OF MISSOURI, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter comes before the Court on the motion of plaintiff Darell C. Smith to voluntarily dismiss his case. (Docket No. 4). In the motion, plaintiff states that he is “writing in request to ask the judge for dismissal of this case, No. 4:22-cv-00998-AGF, without prejudice.”

Because plaintiff has indicated that he does not wish to proceed at this time, the Court has construed this motion as a notice of dismissal pursuant to Rule 41(a) of the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 41(a)(i) (stating that a plaintiff may dismiss an action by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment”). The Court will grant plaintiff’s motion and allow him to dismiss his case without prejudice. Plaintiff’s motions for leave to proceed in forma pauperis and for appointment of counsel will be denied as moot.

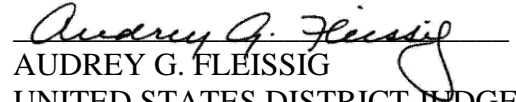
Accordingly,

**IT IS HEREBY ORDERED** that plaintiff’s motion to voluntarily dismiss his case (Docket No. 4) is **GRANTED**.

**IT IS FURTHER ORDERED** that this action is **DISMISSED** without prejudice. *See* Fed. R. Civ. P. 41(a)(i). A separate order of dismissal will be entered herewith.

**IT IS FURTHER ORDERED** that plaintiff's motions for leave to proceed in forma pauperis (Docket No. 2) and appointment of counsel (Docket No. 3) are **DENIED AS MOOT**.

Dated this 29th day of September, 2022.

  
AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE